

In the US District Court for the Eastern District of Missouri

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| United States of America, |) | |
| |) | <i>RWS</i> |
| Plaintiff, |) | Case No: 4:19-CR-00327-RLB-1 |
| |) | |
| v. |) | Motion for Return of Property for |
| |) | Cause(s) |
| Terrell Reid, |) | |
| |) | |
| Defendant. |) | |
| |) | |

Motion for Return of Property for Cause(s)

Comes now Terrell Reid, Former Defendant, to make formal motion in this Court for the return of property seized in association with this case for cause(s). To wit:

1. On or about 04/17/2019 Terrell Reid had been arrested and charged with crimes in this case. During the course of investigation and arrest there was seized in conjunction with the arrest and detention of Terrell Reid certain property, specifically:

- Large Brown Louis Vuitton Bag
- Monies totaling \$87,000.00 Dollars
- Undisclosed cellular phone(s)/Device(s)

The case against Terrell Reid was subsequently and voluntarily dismissed by the Government on 10/08/2020, by motion to dismiss by Government. On or about 10/09/2020 Notice of Dismissal was filed by the Government and subsequently signed and granted by the Court, by Signature

of the Judge. Thereby resulting in NO Conviction in connection, or association related to the seized property mentioned above.

2.The law concerning the Criminal forfeiture of property seized in connection with, conjunction to, or association of criminal activity is clear in which it is stated that Before property can be seized in a federal criminal case:

- the defendant must be convicted of a federal crime
- the federal prosecutor must show that the property was involved in criminal activity, and
- the federal prosecutor must identify the property to be seized, so that anyone else who has a claim on the property can come forward.

As, there MUST be a conviction for the crime for seizure and forfeiture to be lawful criminally, then the property in this case is being currently held by the Government unlawfully. The Former Defendant in this case was not Convicted and the Dismissal was voluntary by the Government. The Defendant does now request that this Court order the immediate return of all properties pursuant to the law.

3. If the Government planned on utilizing Civil Forfeiture Law, then there is notice and court proceedings required, and time limits thereof. There exists no proper or lawfully executed notice of any such civil forfeiture proceedings to the interested parties, and the law is clear on this as well in which it is stated in 18 U.S.C. section 983, where it states, "*Notice; Claim; Complaint.*—

(A)

- (i) Except as provided in clauses (ii) through (v), in any nonjudicial civil forfeiture proceeding under a civil forfeiture statute, with respect to which the Government is required to send written notice to interested parties, such notice shall be sent in a manner to achieve proper notice as soon as practicable, and in no case more than 60 days after the date of the seizure.*
- (ii) No notice is required if, before the 60-day period expires, the Government files a civil judicial forfeiture action against the property and provides notice of that action as required by law.*
- (iii) If, before the 60-day period expires, the Government does not file a civil judicial forfeiture action, but does obtain a criminal indictment containing an allegation that the property is subject to forfeiture, the Government shall either—*
 - 1. send notice within the 60 days and continue the nonjudicial civil forfeiture proceeding under this section; or*
 - 2. terminate the nonjudicial civil forfeiture proceeding, and take the steps necessary to preserve its right to maintain custody of the property as provided in the applicable criminal forfeiture statute.*

In this case there was no notice at all, and specifically not within the 60 days required by law.

There were no Civil Asset Forfeiture Proceedings initiated in this case at any point, and the time limits to initiate such proceedings has passed as well. The Government failed to request leave

of the Court for any extensions on the filing or initiation of such proceedings in the time limits required, and No such leave was given by the Court at any point according to the record. At the point of dismissal voluntarily by the Government on or about 10/09/2020, as signed by the Judge of this Court, the Government should have returned all properties formerly seized. This did not occur, the Government retained the property lacking lawful authority under color of law to do so, and continue to hold such property in contradiction of the law. The Former Defendant does now respectfully request that this Court order the Government to surrender this property and monies to the rightful owner, Terrell Reid, immediately.

4.The Court should grant this motion for the cause(s) stated herein, and it is respectfully submitted that this Court should grant this motion.

Executed and Respectfully Submitted on this the 2 Day of August, 2021.

x Terrell Reid

Terrell Reid, Former Defendant, Pro Se

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